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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,476	11/28/2003	Hisaya Suzuki	245671US90	9964

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ALEXANDRIA, VA 22314

EXAMINER

JUBA JR, JOHN

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,476

Applicant(s)

SUZUKI ET AL.

Examiner

John Juba, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-37 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 2, and 15 – 21 , drawn to an auxiliary mirror on a mirror housing side and directed obliquely downward (subcombination A), classified in class 359, subclass 850.
- II. Claims 23 - 31, drawn to an auxiliary mirror on a mirror housing bottom side (subcombination B), classified in class 359, subclass 850.
- III. Claims 32 – 34 , drawn to a sub-mirror within a mirror housing (subcombination C), classified in class 359, subclass 850.
- IV. Claims 35 – 37, and 22 as it depends from any of claims 1, 2, or 15 – 21, drawn to illumination of a vehicle periphery via a mirror mounted on a housing side (subcombination D), classified in class 362, subclass 487.
- V. Claims 3 - 11, drawn to two auxiliary mirrors located on a mirror housing and oriented downward (combination AB), classified in class 359, subclass 850.
- VI. Claims 12 - 14, drawn to a vehicle mirror with sub-mirror and auxiliary mirror (combination AC), classified in class 359, subclass 350.
- VII. Claim 22 as it depends from any of claims 3 - 11, drawn to two auxiliary mirrors with illumination of a vehicle periphery via one of the mirrors mounted on the housing side (combination ABD), classified in class 362, subclass 487.

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VIII. Claim 22 as it depends from any of claims 12 - 14, drawn to an auxiliary mirror and a sub-mirror with illumination of a vehicle periphery via the sub-mirror mounted on a housing side (combination ACD), classified in class 362, subclass 487.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility alone or in a mirror such as described in inventions IV or VIII. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility alone or in a mirror such as described in inventions V or VII. See MPEP § 806.05(d).

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility alone or in a mirror such as described in inventions V or VI. See MPEP § 806.05(d).

Inventions I and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the

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particulars of the subcombination as claimed because claim 23 evidences that the combination is regarded as patentable for the features of the second auxiliary mirror alone. The subcombination has separate utility such as alone or in a mirror such as described in inventions VI or VIII.

Inventions I and VI are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 32 evidences that the combination is regarded as patentable for the features of the sub-mirror alone. The subcombination has separate utility such as alone or in a mirror such as described in inventions V or VII. See MPEP § 806.05(c).

Inventions I and VII are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 23 evidences that the combination is regarded as patentable for the features of the second auxiliary mirror alone. The subcombination has separate utility such as alone or in a mirror such as described in inventions V or VI. See MPEP § 806.05(c).

Inventions I and VIII are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 32 evidences that the combination is regarded as patentable for the features of the sub-mirror alone. The subcombination has separate utility such as alone or in a mirror such as described in invention V. See MPEP § 806.05(c).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

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shown to be separately usable. In the instant case, invention II has separate utility alone or in a mirror such as described in inventions V or VII. See MPEP § 806.05(d).

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility alone or in a mirror such as described in invention V. See MPEP § 806.05(d).

Inventions II and V are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 1 evidences that the combination is regarded as patentable for the features first auxiliary mirror alone. The subcombination has separate utility such as alone or in a mirror such as described in invention VII. See MPEP § 806.05(c).

Inventions II and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility alone or in a mirror such as described in inventions V or VII. See MPEP § 806.05(d).

Inventions II and VII are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 1 evidences that the combination is regarded as patentable for the features first auxiliary mirror alone. The subcombination has separate utility such as alone or in a mirror such as described in invention V. See MPEP § 806.05(c).

Inventions II and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if

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they are shown to be separately usable. In the instant case, invention II has separate utility alone or in a mirror such as described in inventions V or VII. See MPEP § 806.05(d).

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility alone or in a mirror such as described in invention VI. See MPEP § 806.05(d).

Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility alone or in a mirror such as described in inventions VII or VIII. See MPEP § 806.05(d).

Inventions III and VI are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 1 evidences that the combination is regarded as patentable for the features first auxiliary mirror alone. The subcombination has separate utility such as alone, such as where no view of the curb is desired. See MPEP § 806.05(c).

Inventions III and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility alone, such as when no view of the curb or perimeter lighting is desired. See MPEP § 806.05(d).

Inventions III and VIII are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 1 evidences that the combination is regarded as patentable for the features first auxiliary mirror alone. The subcombination has separate utility such as alone, such as where no view of the curb is desired or perimeter lighting is desired. See MPEP § 806.05(c).

Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility alone, such as when the mirror housing is mounted such that its lower surface is not viewable. See MPEP § 806.05(d).

Inventions IV and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility alone, such as when the mirror within the housing provides a sufficient field of view without a sub-mirror. See MPEP § 806.05(d).

Inventions IV and VII are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 1 evidences that the combination is regarded as patentable for the features first auxiliary mirror alone, claim 23 evidences that the combination is regarded as separately patentable for the details of the second auxiliary mirror alone, and claim 3 evidences that the combination of first and second auxiliary mirrors alone is

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regarded as separately patentable. The subcombination has separate utility such as alone, such as when the mirror housing is mounted such that its lower surface is not viewable. See MPEP § 806.05(c).

Inventions IV and VIII are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 1 evidences that the combination is regarded as patentable for the features first auxiliary mirror alone, and claim 23 evidences that the combination is regarded as separately patentable for the details of the second auxiliary mirror alone. The subcombination has separate utility such as alone, such as when the mirror within the housing provides a sufficient field of view without a sub-mirror. See MPEP § 806.05(c).

Inventions V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility alone, such as when the mirror within the housing provides a sufficient field of view without a sub-mirror. See MPEP § 806.05(d).

Inventions V and VII are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 1 evidences that the combination is regarded as patentable for the features first auxiliary mirror alone. The subcombination has separate utility such as alone, such as when no perimeter lighting is desired. See MPEP § 806.05(c).

Inventions V and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility alone, such as when the mirror within the housing provides a sufficient field of view without a sub-mirror or when no perimeter lighting is desired. See MPEP § 806.05(d).

Inventions VI and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility alone, such as when the mirror housing is mounted such that its lower surface is not viewable. See MPEP § 806.05(d).

Inventions VI and VIII are related as combination and subcombination. The combination as claimed does not require the particulars of the subcombination as claimed because claim 1 evidences that the combination is regarded as patentable for the features first auxiliary mirror alone. The subcombination has separate utility such as alone, such as when no perimeter lighting is desired. See MPEP § 806.05(c).

Inventions VII and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VII has separate utility alone, such as when the mirror within the housing provides a sufficient field of view without a sub-mirror. See MPEP § 806.05(d).

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, and because the search required for groups IV, VII, and VIII is not required for groups I – III I, or VI, restriction for examination purposes as indicated is proper.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Juba whose telephone number is (571) 272-2314. The examiner can normally be reached on Mon.-Fri. 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Drew Dunn whose number is (571) 272-2312 and who can be reached on Mon.- Thu., 9 – 5.

The centralized fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for *all* communications.


JOHN JUBA, JR.
PRIMARY EXAMINER
Art Unit 2872

February 8, 2005